

1. I do not have a greenhouse or any other means of producing my tomatoes and other annual seedlings. May I buy my plants from a commercial non-organically certified greenhouse operation that use prohibited substances?

**Answer:** No, Section 205.204 (a) requires that producers must use organically grown annual seedlings. However, nonorganically produced annual seedlings may be used to produce an organic crop when a temporary variance has been granted in accordance with 205.290 (a) which includes variances for the following reasons: natural disasters declared by the Secretary, damage caused by drought wind, flood, excessive moisture, hail, tornado, earthquake, fire or other business interruption and practices used for the purpose of conducting research. Additionally, 205.204 (5) states that seeds, annual seedlings and planting stock treated with prohibited substances may be used to produce an organic crop when the application of the materials is a requirement of Federal or State phytosanitary regulations. Clearly, not developing on-farm methods for producing organic annual seedlings or not identifying alternative off-farm certified organic sources of seedlings is not included in provisions listed under 205.290 (a) and 205.204 (5).

2. I am a producer who grows strawberries (as annuals), potatoes, garlic, onions and sweet potatoes from planting stock. I cannot find commercially available planting stock for these crops. May I purchase stock from non-certified operations that have applied prohibited substances to these plants prior to the time that I purchase them?

**Answer:** Yes, Section 205.204 (a)(1) allows the grower to purchase nonorganically produced planting stock when an equivalent organically produced variety is not commercially available. However, once you take possession of the planting stock they must be grown in accordance with the NOS.

3. I am a producer who grows raspberries, rhubarb and asparagus. These are perennial crops but I cannot find organically produced planting stock. Can I buy plants from a commercial nonorganic producer who has treated the plants with prohibited substances?

**Answer:** Yes, if organic planting stock is not commercially available then Section 205.204 a (4) allows the use of nonorganically produced planting stock for these crops. However the planting stock for perennial crops has to be maintained under a system of organic management for a period of no less than one year before it could be sold, labeled or represented as organically produced.